

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE ADDING  
CHAPTER 11.93 TO TITLE 11 OF THE SAN JOSE  
MUNICIPAL CODE TO ALLOW PERMIT PARKING FOR  
ONE WAY CAR SHARING PROGRAMS**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008, (General Procedure & Policy Making resulting in no changes to the physical environment); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

A new Chapter is added to Title 11 of the San José Municipal Code, to be numbered, entitled, and to read as follows:

**Chapter 11.93  
VEHICLE SHARING**

### **11.93.010 Findings and Purpose**

The Council finds that the use of vehicle sharing within San José has numerous benefits, including improved mobility for residents, reduced personal vehicle ownership and vehicle miles traveled and overall reduction in greenhouse gas emissions. The purpose of this Chapter is to facilitate vehicle sharing within San José by establishing a program under which permitted one-way shared vehicles may park in metered and unmetered spaces in which parking is allowed for up to two (2) hours or longer / time limited spaces.

### **11.93.020 Definitions**

- A. "Vehicle sharing" means a membership-based service, available to all licensed drivers, who meet the vehicle sharing organization's eligibility requirements, which offers members access to a network of vehicles, twenty-four (24) hours per day, seven (7) days a week, at self-service locations and allows members to reserve and use a one-way vehicle share vehicle without a separate written agreement, at rates that are proportional to usage.
- B. "One-way vehicle sharing" means a vehicle sharing model that allows members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the qualified vehicle share organization that operates that vehicle.
- C. "Vehicle sharing organization" means an entity that provides shared-use vehicles for its members at geographically distributed locations at hourly, daily and weekly rates (or fractions thereof) with insurance coverage provided by the vehicle sharing organization. The Transportation Department will maintain the criteria

necessary to become a qualified vehicle share organization. The Transportation Director or their designee may make changes to these criteria at any time.

- D. "One-way shared vehicle" means a vehicle requiring a driver's license to operate it, (including, but not limited to, passenger cars, motorized sit scooters, and motorcycles) ~~owned and~~ operated by a qualified vehicle share organization that is clearly and distinctly branded, is constantly tracked through Global Positioning System ("GPS"), and is technologically-enabled to allow members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the vehicle share organization.
- E. "Qualified vehicle sharing organization" is a vehicle sharing organization that has a fleet of at least twenty (20) one-way vehicles for member use.
- F. "One-way shared vehicle parking zone" is the area identified by the Director of the Transportation Department, which bounds the geographic area where one-way vehicle sharing members may legally park one-way shared vehicle within San José.
- G. "Director" shall mean the Director of the Department of Transportation or his designee.

#### **11.93.030 Permit Parking Exemption**

- A. A one-way shared vehicle with a metered zone shared vehicle permit parked at metered parking spaces in which parking is allowed for up to two (2) hours or longer that is located within the defined one-way shared vehicle parking zone shall be exempt from the provisions stated in Chapter 11.40, which regulate the parking or standing of vehicles, which includes time limits enforced at inoperable

parking meters and pay-and-display stations except that it may not remain parked at the same location for more than seventy-two (72) hours.

- B. A one-way shared vehicle with a residential permit parking shared vehicle permit shall be permitted to stand or be parked in residential permit parking areas established pursuant to Chapter 11.48 Permit Parking Program with the same rights and restrictions as permit parking holders if the defined one-way shared vehicle parking zone includes the permit parking zone.

#### **11.93.040 Metered Zone Shared Vehicle Permit**

- A. A metered zone shared vehicle permit entitles qualified vehicle sharing organization members to park one-way shared vehicles in metered and unmetered spaces in which parking is allowed for up to two (2) hours or longer, for up to seventy-two (72) hours within the designated one-way shared vehicle parking zone.
- B. This Chapter shall not exempt a member of a vehicle sharing organization or a qualified vehicle sharing organization from any other traffic controls and regulations.

#### **11.93.050 Residential Permit Parking One-Way Vehicle Permit**

- A. A residential permit parking shared vehicle permit entitles qualified vehicle sharing organization members to park one-way shared vehicles in a residential permit parking area as if the member had a residential parking permit for that zone as designated by Chapter 11.48, even if the member is not a resident or employee within that zone.

- B. The residential permit parking shared vehicle permit does not guarantee or reserve a parking space for the member of the vehicle sharing organization.
- C. This Chapter shall not exempt a member of a vehicle sharing organization or qualified vehicle sharing organization from any other traffic controls and regulations.

#### **11.93.060 One-Way Shared Vehicle Parking Zone**

The one-way shared vehicle parking zone boundaries will be established by the Director. Current and updated maps of one-way vehicle sharing parking zones will be publicly available on the City of San José's website. The GPS coordinates of one-way vehicle sharing parking zones and residential permit parking zones shall be programmed into the navigation equipment of those vehicles in order to alert members using those vehicles where parking is permitted. Qualified vehicle sharing organizations shall notify their members of any modifications to the one-way vehicle sharing parking zones applicable to their vehicles at least three (3) days prior to such modification.

#### **11.93.070 Modification After Initial Designation of One-Way Vehicle Share Parking Zone**

A qualified vehicle sharing organization may request modifications to the one-way vehicle sharing parking boundary zone once per quarter during the term of the parking permit. Application for such modifications shall be made to the Director.

#### **11.93.080 Issuance of Parking Permits**

- A. Metered zone shared vehicle permits shall be issued by the Transportation Department in accordance with requirements set forth in this Chapter.

- B. Residential permit parking shared vehicle permits shall be issued by the Transportation Department in accordance with requirements set forth in this Chapter.
- C. A vehicle sharing organization applying for parking permits shall provide the license plate numbers for the one-way shared vehicles for which permits are sought to the Transportation Department.
- D. The Transportation Department shall issue the permits with a maximum term of one(1) year. Permits can be granted quarterly each year through the end of the City's fiscal year.
- E. The Transportation Department will review the quantity of parking permits requested by the vehicle share organization to balance the parking needs of the vehicle sharing organization with the on-street parking needs of private residents and employees.
- F. Any metered zone and/or residential permit parking shared vehicle permits that are renewed shall be subject to the same conditions applicable to the permits when originally issued. The Transportation Department may attach additional conditions to a renewed permit.
- G. The Transportation Department shall issue rules and regulations consistent with this Chapter governing issuance and display of proof that a one-way shared vehicle is owned by a qualified vehicle sharing organization with a valid meter zone and/or residential permit parking shared vehicle permit.

### **11.93.090 Parking Permit Fees**

Fees for meter zone shared vehicle permits and residential permit parking shared vehicle permits, and for the implementation and administration of this Chapter may be adopted by resolution of the City Council.

### **11.93.100 Denial or Revocation of Parking Permit**

The Director may deny an application for issuance or renewal of a parking permit described under this Chapter, or revoke a parking permit issued under this Chapter, upon determining that the applicant or permittee has:

- A. Supplied the Director with incorrect information;
- B. Violated any conditions placed upon the parking permit; or
- C. Otherwise failed to comply with the provisions of this Chapter or any rules or regulations promulgated by the Director pursuant to this Chapter.

### **11.93.110 Appeal**

- A. The Director shall notify an applicant or permittee, in writing, of the Director's decision to deny or revoke a parking permit.
- B. The notice of decision shall state the grounds for denial of the application or revocation of the parking permit and shall notify the applicant or permittee of the opportunity for a hearing pursuant to Section 11.93.120.

- C. The notice of decision shall become final unless a written request for hearing is received by the Director within ten (10) days after the date of the notice of decision.

#### **11.93.120 Hearing**

- A. Upon receipt of a timely written request for a hearing on a notice of decision to deny an application of a parking permit or to revoke a parking permit, the Director shall schedule a hearing. The Director promptly shall notify the applicant or permittee of the hearing date, time and location.
- B. The hearing with the Director shall be held within ten (10) business days after receipt of the request for hearing.
- C. At the hearing, the permittee or applicant may present any relevant evidence. The hearing will be conducted informally and the technical rules of evidence shall not apply. The permittee or applicant may be represented by any person.
- D. After closing the hearing, the Director shall give a decision sustaining, reversing or modifying the decision to deny or revoke a parking permit. A written notice of final decision shall be hand delivered or sent by mail to the permittee or applicant.
- E. The decision of the Director shall be final.



PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk